

Sponsor: _____
Planning Review Commission: _____
Public Notice: _____
Public Hearing: _____

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 425 OF THE BETHANY
BEACH TOWN CODE TO FURTHER DEFINE AND CLARIFY ZONING
REQUIREMENTS FOR NEWLY CREATED COMMERCIAL LODGING DISTRICT
AND MODIFYING PARKING REQUIREMENTS UNDER SECTION 425-87 OF THE
BETHANY BEACH CODE**

WHEREAS, the Town of Bethany Beach has a duly enacted Zoning Code;

WHEREAS, the Town Council recently amended the Zoning Code to create a new zoning district referred to as the Commercial Lodging District (CL-1), which permits the establishment of hotels and/or motels and related on-site amenities;

WHEREAS, the Town Council has determined that the Zoning Code as it pertains to the Commercial Lodging District (CL-1) requires further amendment in order to clarify and refine the original intent and purpose of the Town Council in creating the Commercial Lodging District (CL-1), and the Town Council has held a duly noticed public meeting on the proposed change to the Zoning Code;

WHEREAS, the proposed amendments contemplated by this ordinance are consistent with the Town's Comprehensive Development Plan (as amended); and

WHEREAS, the Town Council believes that proposed amendments to the Commercial Lodging District (CL-1) provisions of the Zoning Code is in the best interest of the Town and adopts this ordinance for the health, safety and welfare of the community at large.

WHEREAS, the Town Council also desires to modify the parking requirements for the Commercial Lodging District (CL-1) and clarify the parking requirements for standard dwelling units (DUS).

AND NOW BE IT HEREBY ORDAINED BY the Town Council of the Town of Bethany Beach, a majority thereof concurring in Council duly met, that Section 425 of the Bethany Beach Town Code is hereby amended as follows:

Section 1. Amend Section 425-2 "Intent; Purpose; Construal of Provisions" to modify certain defined terms and to include new defined terms to provide further guidance and instruction regarding the intent and purpose of the Commercial Lodging District (additions and modifications are highlighted in **bold** below):

A. “Commercial Lodging”: Hotels or motels, in a building or group of buildings, offering transient lodging accommodations on a daily rate to the general public. Additional services to be provided may include **Mandatory Amenities** and/or other restaurants, meeting rooms, **pools, spas**, and recreational facilities.

B. “Commercial Lodging Room:” A **Standard Guest Room or Oversized Guest Room** in **Commercial Lodging** containing a bathroom, or access thereto, and sleeping facilities, but without a **Kitchen** or cooking facilities.

C. “Kitchen”: A room or area (**either in whole or in part**) **used for cooking and/or food preparation and/or containing any form of cooking facilities** and/or food storage facilities such as stoves, countertops for food preparation, ovens, refrigerators; **provided, however, that areas containing a compact refrigerator, coffee pot, microwave, mini-bar, or similar compact amenities shall not be considered a “kitchen”.**

D. “Standard Guest Room”: A Commercial Lodging Room with standard accommodations for a maximum of four (4) occupants in any configuration of beds (e.g. one king size bed, two queen sized beds, or up to four twin beds are permitted) or any type of furniture capable of converting into beds or sleeping facilities. Temporary bedding/temporary sleeping accommodations (i.e., rolling cots, air mattresses), as commonly used in hotels/motels, shall be allowed for temporary use for one additional occupant as necessary.

E. “Oversized Guest Room”: A Commercial Lodging Room with standard accommodations for more than four (4) occupants in any configuration of beds including, but not limited to, any type of furniture capable of converting into beds or sleeping facilities.

F. “Mandatory Amenities”: An amenity that is required to be provided on-site for Commercial Lodging containing fifty (50) or more Standard Guest Rooms and/or Oversized Guest Rooms in a Commercial Lodging structure or complex.

Section 2. Amend Section 425-77(A) by adding the **bolded** language to the statement of “Legislative Purpose.”

§425-77(A) Legislative Purpose

The purpose of this district is to provide for an area within the Town for the establishment of hotels and/or motels whose facilities and amenities may include (**unless subject to certain Mandatory Amenity requirements provided for by this chapter**) recreational and/or fitness facilities, conference centers, meeting rooms and other auxiliary uses

primarily for use by hotel guests, while at the same time preserving the residential character of those neighborhoods that are in close proximity to this district.

Section 3. Amend Section 425-77(C) “Permitted Uses” to make certain accessory uses and permitted amenities mandatory accessory uses and amenities for Commercial Lodging containing an aggregate of fifty (50) or more Standard Guest Rooms and/or Oversized Guest Rooms (additions and modifications are highlighted in **bold** below; deletions are noted in brackets):

A. §425-77(C) Permitted Uses:

The following uses are permitted within the CL-1 Commercial Lodging District:

- A. Commercial Lodging **containing Commercial Lodging Rooms.**
- B. Accessory uses and permitted amenities for Commercial Lodging include only:
 - (1) On site restaurants, comprising less than 15% of the total floor area of the **Commercial Lodging Rooms**, serving food and beverages located within hotels and motels or on adjoining patios, which **shall be open to the public and which** use shall be subject to all other provisions of the Bethany Beach Code, including, but not limited to, Section 217 governing alcoholic beverages, provided at the restaurant.
 - (2) Conference rooms, theaters, banquet facilities, or other public or semi-public facilities, comprising less than 15% of the total floor area of the **Commercial Lodging Rooms**, which shall be subject to all other provisions of the Bethany Beach Code.
 - (3) **Recreational, fitness, and/or health and wellness facilities such as a gym, spa or swimming facility, the use of which shall be limited to current occupants of a Standard Guest Room or Oversized Guest Room; provided, however, that a spa or wellness-type facility may be open to the public.**
 - (4) Gift shops, flower shops and convenience stores (offering magazines, books, beverages, candy, sundries, etc.), public or semi-public, which use shall be subject to all other provisions of the Bethany Beach Code.
 - (5) Hair stylists **and/or hair salons, whose services may be open to the public.**
 - (6) Art galleries, **which may be open to the public.**

C. In Commercial Lodging containing fifty (50) or more total Standard Guest Rooms and/or Oversized Guest Rooms (which amount is to be calculated in the aggregate) in a structure or complex, the accessory uses and permitted uses set forth in subsection B, items (1) through (4) are Mandatory Amenities. Mandatory Amenities required by this section may be waived by a majority vote of the Town Council at the Town Council's sole discretion.

Section 4. Amend Section 425-87(A) "Off-Street Parking" by creating a separate subsection specifically addressing off-street parking requirements for Commercial Lodging Rooms (additions and modifications are highlighted in **bold** below; deletions are noted in brackets):

A. Off-Street parking:

(2) [Commercial lodging Rooms and] **One-bedroom Apartments**: one space per rental unit, plus normal residential requirements.

...

(5) **Commercial Lodging Rooms: minimum of one space per Standard Guest Room and minimum of two spaces per Oversized Guest Room.**

...

(6) **All other standard dwelling units (DUS): two spaces per unit.**

Section 5: **Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the Town Council's intent.

Synopsis.

This ordinance will authorize an amendment to Zoning Code to provide additional guidance and direction regarding the scope, nature and zoning

requirements of the Commercial Lodging District (CL-1). This ordinance also clarifies the parking requirements for standard dwelling units (DUS).

Effective Date: This Ordinance shall take effect immediately upon adoption.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Bethany Beach at a duly noticed and convened meeting at which a quorum was present on September ____, 2013.

Attest:

Mayor